ENTITY LETTERHEAD

Reference/Case Number

**PRIVATE AND CONFIDENTIAL**

Employee Title First name Surname

Position

Full Address

Email

Dear Employee first name,

**RE: SUBJECT OFFICER INTERVIEW ARRANGEMENTS**

I have been authorised by [name and position title of delegate] to conduct an investigation into allegations concerning your conduct which may represent a breach of the Code of Conduct for the Queensland Public Service or Code of Conduct specific to public sector entity that if proven would provide grounds for disciplinary action as described under section 92 of the *Public Sector Act 2022*.

I am contacting you to make arrangements to interview you about the matters I have been appointed to investigate and report on.

The purpose of this investigation is to gather all relevant information relevant to the key issues/allegations as outlined below. A report will be provided to the delegate who will decide what next steps, if any, are required.

Option 1: Without limiting the matters to be discussed at your interview, I anticipate that the key issues to be addressed with you are:

[List matters to be discussed, providing as much detail as possible].

OR

Option 2: The Terms of Reference for the investigation require me to investigate the following allegations:

[List allegations]

OR

Option 3: The broad allegations I have been asked to investigate are:

[List allegations]

(Note: Consideration should be given to whether providing specific allegation details at this stage could prejudice the collection of evidence. This must also be balanced with the benefits of a person being prepared for their interview and able to answer questions. To comply with natural justice requirements, the subject officer must be provided with the full particulars during the interview for their response.)

If through the course of the investigation the allegations change significantly from what is outlined above, or new allegations come to light, in accordance with the principles of procedural fairness, you will be provided with the new or updated allegations and provided with an opportunity to respond, prior to the investigation being finalised.

Following the investigation, a report will be provided to the delegate in this matter for consideration and to make a decision on what (if any) action should be taken in relation to this matter. Should the matter progress to a discipline process, in accordance with the principles of procedural fairness, you will be provided with the allegation(s), including the relevant particulars, and you will be provided an opportunity to respond to the allegation(s), prior to any decision being made.

Option 1: I wish to arrange a convenient time to conduct an interview with you. Please contact me within three (3) days of receipt of this letter to make arrangements for this interview.

OR

Option 2: This letter confirms that the interview will be conducted at TIME on DAY/DATE at LOCATION. It is expected that you set aside TIME hours for this interview. Should this time not be suitable, please contact [insert relevant contact officer details] as soon as practicable so an alternative time can be arranged.

The interview may be electronically recorded, and a copy of the recording and/or transcript will be made available to you upon request. I may also take handwritten notes during the interview.

**Support person and industrial representatives**

You are welcome to have a support person and/or an industrial representative attend during the interview.

A support person will not be permitted to advocate for you during the interview, however they will be able to observe proceedings, assist with clarifying the process and take notes. The support person must respect the confidentiality of the process. The support person must not be a witness or person involved in this investigation.

In accordance with the directive relating to workplace investigations [**Attachment 1**], an industrial representative may support their member’s interests in line with industrial legislation and their union rules, including advocating for procedural fairness to be afforded to their member.

Further information about the role of the support person or industrial representative may be found online at [www.forgov.qld.gov.au/human-resources/employee-management-conduct-and-performance/conduct-and-performance/employee-support-person](https://www.forgov.qld.gov.au/human-resources/employee-management-conduct-and-performance/conduct-and-performance/employee-support-person).

**Reviews**

Most workplace investigations are concluded promptly, however sometimes there are factors that may lead to delay. If this investigation has not been finalised and an outcome provided to you by six months from the investigation’s commencement, it will be the subject of an internal review as outlined in clause 14 of the Workplace investigations directive (the directive) [**Attachment 1**].

Under clause 15 of the directive, you have the right to seek a review of a procedural aspect of [insert entity’s name] handling of this matter by the Public Sector Commission. I have attached information regarding your options to seek a review to this letter [**Attachment 2**].

**Confidentiality**

Please be aware that matters which are the subject of the investigation are to remain confidential. This will safeguard the integrity of the process. Consequently, you are directed to not discuss this matter with others, including your work colleagues or any person likely to have information relevant to the allegations, other than your union, legal representative, or support person. This direction includes that you do not make comment in relation to this matter on any social media sites. You are reminded that your obligations under the Code of Conduct continue to apply throughout and following the conclusion of this process and failure to meet your obligations with regard to confidentiality may result in disciplinary action being taken against you.

**Employee assistance program**

I understand that this may be a difficult time for you and wish to advise you that free, short-term confidential, face to face or telephone counselling is available to all departmental employees. This service, provided by an external Employee Assistance provider, [EAP PROVIDER NAME], can be contacted on telephone [EAP PROVIDER NUMBER].

**Contact**

If you have further enquiries about this notice, I can be contacted via email at [insert email address] or telephone [insert phone number].

Yours sincerely,

**Name**

Position

DATE

Attachment 1 – Workplace investigations directive

Attachment 2 – Workplace investigation procedural review information

# Attachment 2 – Workplace investigation procedural review information

In certain circumstances, you may request a review of this matter by the Public Sector Commission.

Your right to request this review is outlined in clause 15 of the Workplace investigations (Directive 01/24) as follows:

**15. Subject employee may ask Public Sector Commission for review of investigation**

* 1. This section applies to a workplace investigation related to a work performance matter, other than a corrupt conduct matter.
  2. A subject employee may ask the Public Sector Commission to conduct a review of a procedural aspect of the entity’s handling of the workplace investigation, provided:
     1. the subject employee reasonably believes the chief executive has not complied with this directive
     2. the subject employee has utilised internal review procedures under the directive on individual employee grievances
     3. having utilised the procedures at clause 15.2(b) the subject employee is dissatisfied with a decision made following the internal review, and
     4. a decision has not been made for the work performance matter that the subject employee may appeal under chapter 3, part 10 (Appeals) of the Act.
  3. The subject employee must request the review in writing unless circumstances exist where an employee requires reasonable adjustments to make the request in another way.
  4. The request under clause 15.3 must address the eligibility for review under clause 15.2 and include:
     1. a clear statement of how the employee believes the entity has not complied with this directive, and
     2. the action the employee seeks from the review.
  5. On receiving the request, the Commission is not required to, but may:
     1. conduct a review of a procedural aspect of the entity’s handling of a work performance matter in accordance with section 124 of the Act
     2. give the chief executive a report on the review.
  6. The Public Sector Commissioner (Commissioner) must provide a written decision to the subject employee, along with reasons for the decision, including when the Commissioner decides not to conduct a review under clause 15.5.